

REMARKS:

Claims 1-18 are in the case and presented for reconsideration.

FIRST REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 1-3, 7-13,17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,240,965 to Maimets (“Maimets”) in view of U.S. Patent 4,347,018 to Wrightson et al. (“Wrightson”).

Applicant respectfully traverses the Office's rejections that the claims of the subject application are obvious in view of the cited prior art.

Maimets fails to disclose or suggest several critical aspects claimed in both independent claim 1, from which claims 2-17 depend, as well as in independent claim 18.

It has long been a settled matter of law that dependent claims contain all the elements of the claims from which they depend.

The method disclosed in Maimets does not contain a step of fluid “coating material is sprayed out of at least one nozzle towards the inner wall of a pipe for covering at least part thereof.” It therefore follows that Miamets also lacks the in requirement of claim 1 of “the coating material then hardens for forming a part of the wall” or the corresponding result of claim 18.

Instead in Maimets, a repair sleeve 9 is brought over a hole to be sealed and a force applicator mechanism 7 rotates and radially expands to deform an already non-fluid

structural inner sleeve 9a of the repair sleeve 9, which is thereby expanded and further presses the soft but not fluid outer layer 9b of the repair sleeve against the inner wall of the pipe.

Moreover, as correctly pointed out by Examiner, Maimets also fails to disclose or suggest, a material piece which is “divided in the longitudinal direction thereof and held together by means (11) for holding the unperforated material piece.”

Maimets further fails to disclose a pipe piece which increasing in diameter through release of potential energy so that it bears against the inner wall of the pipe.

Furthermore, Wrightson also fails to disclose or suggest several critical features of independent claims 1 and 18.

Firstly, the method in Wrightson is not meant to be used on a pipe that is inaccessible from the outside. In fact several of its steps require the tunnel be accessible to worker. Namely, insertion of the joint member 16 as well as the filling of the annular space between the pipe 11 and the wall of the tunnel 10 with grout. Therefore, the person of ordinary skill in the art contemplated by 35 U.S.C. 103, would not consider Wrightson in order to determine how to solve the problems associated with servicing inaccessible pipes.

Additionally, Wrightson also does not disclose a material piece which increases in diameter so that it bears against the inner wall of the pipe.

Also, Wrightson fails to disclose or suggest, coating material sprayed out of at least one nozzle towards the inner wall of a pipe for covering at least part thereof.

Further still, neither reference contains a teaching which one of ordinary skill in the art could use to add the missing elements to those disclosed to hence arrive at the presently claimed invention.

Therefore, because the aforementioned references fail to disclose several critical features of independent claim 1, from which claims 2-17 depend, as well as of independent claim 18, and because they do not provide teaching which would motivate one of ordinary skill in the art to arrive at the presently claimed invention, none of the current claims are obvious in light of the combination of Maimets and Wrightson.

SECOND AND THIRD REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 4-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maimets in view of Wrightson as applied to claims 1-3, 7-13, 17, and 18 above, and further in view of U.S. Patent 5,285,817 to Sigel ("Sigel").

This rejection as well is respectfully traverses but the Applicant.

Sigel fails to disclose or suggest several critical aspects of both independent claim 1, from which claims 2-17 depend, as well as of independent claim 18.

Unlike the present invention, which is meant for use in sealing a pipe having one or more substantial holes through the pipe wall, Sigel is meant for use in, and is designed for repairing, a damaged part at a connection between a pipe and an adjacent pipe.

The Examiner refers to the sealing mass in Sigel as corresponding to the coating material claimed in present independent claims 1 and 18. In fact, the sealing mass does not coat at all, instead it is used as a filler to fill the damaged sections between the sheathing and the existing pipe at the intersection of subsidiary and main piping. (see Sigel at Figs. 3-4).

Additionally, Sigel does not disclose or suggest utilizing a material piece as an auxiliary wall as in the present invention. The sheathing in Sigel, which may correspond to the material piece in the present invention, is instead used to form a lateral wall which traces the outer edge of the subsidiary pipe and creates a cavity for the sealing mass to fill, which repairs the joint between the subsidiary and main pipe.

Furthermore, Sigel does not move through a pipe in the manner claimed in claim 1 of the subject application. Sigel's very structure is designed to prevent the sheathing from moving through a pipe. Sigel states (and therefore teaches to the person of ordinary skill in the art):

From FIG. 2, it can also be seen that the sheathing 4 is pushed into the subsidiary piping 8 or until the edge 9 makes flush contact with the screen 2 pushed onto the main piping 10. Thus, it is guaranteed that on the one hand the sheathing is not pushed too far into the subsidiary piping 8 and that on the other hand it does not protrude into the main piping 10 after the repair work has been carried out, thus reducing its serviceable diameter. Exact positioning understandably makes clean, qualitatively faultless repair of the damaged intersection 15 possible. Col.2 ln.16-24.

Therefore, Sigel could not be used to seek out a substantial hole along the entire length of a given pipe.

Furthermore, the elements missing from Sigel are not all supplied or suggested by the combination of Miamets and Wrightson. Nor does Sigel, Miamets or Wrightson contain a teaching which could be used by one of ordinary skill in the art to arrive at the presently claimed invention. As a result, none of the claims currently in the case are rendered obvious by the combination of Sigel, Miamets and Wrightson.

THIRD REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miamets in view of Wrightson as applied to claims 1-3, 7-13, 17, and 18 above, and further in view of reference SE 504663 to Edstrom ("Edstrom").

Applicant respectfully traverses the Office's rejections that the claims of the subject application are obvious in view of the cited prior art.

As mentioned above, Miamets and Wrightson fail to disclose or suggest several aspects of both independent claim 1, from which claims 2-17 depend, as well as of independent claim 18.

In addition, Edstrom also fails to provide a teaching which would lead one of ordinary skill to include the elements missing from Miamets and Wrightson.

Therefore, because the aforementioned references fail to disclose critical aspects of both independent claim 1 from which claims 2-17 depend, as well as of independent claim 18, and because they do not provide teaching which would motivate one of ordinary skill in the art to arrive at the presently claimed invention, none of the claims currently in the case are obvious in light of the combination of Edstrom, Miamets and Wrightson#3.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested.

No new matter has been added.

If any issues remain, the Examiner is respectfully invited to contact the undersigned at the number below, to advance the application to allowance.

Respectfully submitted,
/SALVATORE P SPEZIO/
Salvatore P. Spezio
Reg. No. 60,868
Attorney for Applicant
(845) 359-7700

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NOTARO & MICHALOS P.C.
100 Dutch Hill Road, Suite 110
Orangeburg, New York 10962-2100

Customer No. 21706

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